IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.810 OF 2006

Hemchand Meghji Jain ...Petitioner.

Versus

The Municipal Corporation
of Greater Bombay ...Respondents.

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Mr.Anil R.Mishra, Advocate for the Petitioner.
Ms.Trupti Puranik, Advocate for the Respondents.

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CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JUNE 22, 2006.**

ORAL ORDER :

1. Heard Mr.Mishra learned Counsel for the Petitioner and Ms.Puranik learned Counsel for the Respondents.

2. The petitioner was carrying on his business, in the name and style of M/s. Janta Provision Store, from structure/shop being R.M.C.32, admeasuring about 19’ X 15’ sq.ft. situated on the land bearing CTS No.518 at Ganesh Nagar, Charkop Link Road, Opposite Garuda Petrol

Pump, opposite Industrial Estate Charkop, Kandivali (West), Mumbai-400 067. The respondents have issued Shop and Establishment Licence under Section 394 of B.M.C.Act in 1982. The said structure has been censused by the Government and had been issued photopass/pitch holder and given R.M.C. 32. The petitioner was permitted to carry out repair work in the suit premises on 8.4.1985.

3. In the first week of June, 1999 the Officer of the Respondent R/South Ward approached the petitioner and the occupants of the area with request to remove their premises in the interest of public for widening the road, and offered to provide permanent alternate accommodation in lieu of the suit premises.

4. In the interest of public at large, the petitioner gave permission to the respondents for demolition of the suit premises. Thereafter, the premises came to be demolished. However, inspite of the assurance given by the respondent, no permanent alternate accommodation was given to the petitioner. Hence, the petitioner has approached

this Court.

5. Ms.Puranik learned Counsel for the respondent has stated that vide letter dated 14.10.1999 issued by the Ward Officer, R/South Ward the petitioner has been allotted alternate accommodation where the petitioner is allowed to construct a structure as per the sketch, location shown and as per other specifications mentioned in the said letter and its annexures. The learned Counsel for the respondent has produced the copy of the said letter, which is taken on record and marked Exhibit "X" for identification. The learned Counsel for the petitioner submitted that the petitioner is agreeable to accept the said alternate accommodation which is being provided by the respondent.

6. In view of the above statement, the learned Counsel for the petitioner does not wish to press the present Petition. In the light of the above facts, it is directed that the petitioner be put in possession of the said alternate accommodation

within a period of four weeks from today. In case, the petitioner is not put in possession of the said alternate accommodation within a period of four weeks from today, liberty is granted to the petitioner to apply to this Court.

7. Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]